

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO  
CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL  
INDUSTRY

AS APPROVED ON MARCH 30, 1935



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Approved Code No. 24—Amendment No. 8  
**AMENDMENT TO CODE OF FAIR COMPETITION**  
FOR THE  
**BITUMINOUS COAL INDUSTRY**

As Approved on March 30, 1935

**ORDER**

**AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Bituminous Coal Industry and annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6543-A, Executive Order No. 6859 and Executive Order No. 6993, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and said Code as constituted after being so amended complies in all respects with the pertinent provisions and will promote the policy and the purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code as hereby amended to include approval of said Code in its entirety as amended,

FURTHER ORDERED, that the order of this Board hereinabove recited be and hereby is made without prejudice to the Board's consideration of an appropriate action upon any application for amendment to or modification of said Code now pending in or with the National Recovery Administration and subject to the power especially reserved in and by said Board to order the amendment or modification of any provision of said Code in conformity with any agreement affecting such provision which may be reached between employers and employees in said Industry and presented to said Board at any time between April 1, 1935, and June 16, 1935, both dates inclusive for its consideration thereof and action thereon.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By DONALD R. RICHBERG, *Acting Chairman.*

Attest:

L. C. MARSHALL,  
*Executive Secretary.*

Approval recommended:

W. P. ELLIS,  
*Division Administrator.*

WASHINGTON, D. C.,  
March 30, 1935.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the National Bituminous Coal Industrial Board, an agency created and established under the Code for the purpose, among others, of considering and making recommendations to the President as to any amendments of the Code.

The effect of either all of, or certain provisions of, Articles IV, VI, and VII of the present Code as amended will expire prior to June 16, 1935. These provisions constitute to a great degree the essential substance of the Code and, if lost, it is highly probable that the Code will no longer effectuate the purposes of Congress as expressed in the National Industrial Recovery Act. It is considered that, if the Code be continued under the Act, the request of the National Bituminous Coal Industrial Board to continue until June 16, 1935 the existing wage scales and other provisions of the Code which expire April 1, 1935 is fair, and it is believed, and we have accordingly so found, that the amendment which has been presented to the Administration by the National Bituminous Coal Industrial Board is as well designed to accomplish the results intended as the actual circumstances allow.

### FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural prod-



ucts by increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise by rehabilitating industry and conserving natural resources.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the National Bituminous Coal Industrial Board to consider and to make recommendations to the President as to any amendments of this Code.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved to become effective immediately.

For the National Industrial Recovery Board:

DONALD R. RICHBERG,  
*Acting Chairman.*

MARCH 30, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

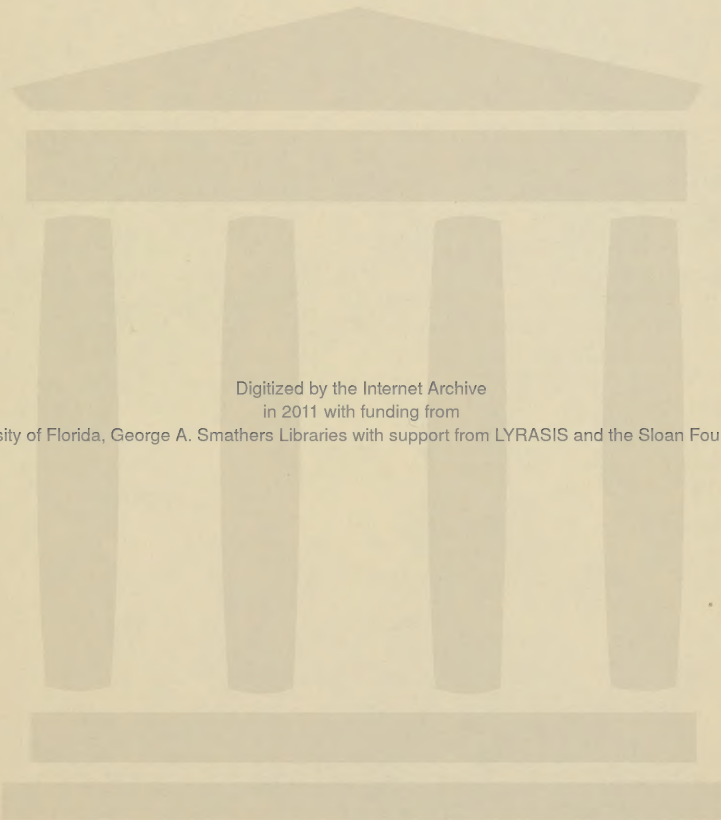
Add a new sentence to, immediately to follow the present provision of, and to become a part of, Article XI to read as follows:

“This Code and all the provisions thereof, despite any provisions to the contrary contained therein and especially, but without limitation to, those provisions of Articles IV, VI, and VII providing for a time limitation upon the effect of such provisions or any of them, which may provide that the effect of such provisions or any of them shall terminate prior to June 16, 1935, shall remain effective to and including June 16, 1935.”

Approved Code No. 24.—Amendment No. 8.  
Registry No. 702-45.

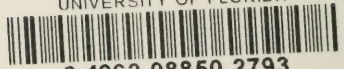
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